

Michael D. Braun (167416)
Marc L. Godino (182689)
BRAUN LAW GROUP, P.C.
12400 Wilshire Blvd., Suite 920
Los Angeles, CA 90025
Tel: (310) 442-7755
Fax: (310) 442-7756

Liaison Counsel for Lead Plaintiffs

Andrew M. Schatz (*Admitted Pro Hac Vice*)
Jeffrey S. Nobel (*Admitted Pro Hac Vice*)
Justin S. Kudler (*Admitted Pro Hac Vice*)
SCHATZ & NOBEL, P.C.
One Corporate Center
20 Church Street, Suite 1700
Hartford, Connecticut 06103
Tel: (860) 493-6292
Fax: (860) 493-6290

Lead Counsel for Lead Plaintiffs

Reed R. Kathrein (139304)
James W. Oliver (215362)
LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
Tel: (415) 288-4545
Fax: (415) 288-4534

William S. Lerach (68581)
LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
401 B Street, Suite 1700
San Diego, CA 92101
Tel: (619) 231-1058
Fax: (619) 231-7423

Additional Counsel for Plaintiffs

-and-

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

E-FILED - 6/14/05

IN RE NETOPIA, INC. SECURITIES
LITIGATION

**CASE NO.: C 04-3364 RMW
And Related Cases**

CLASS ACTION

This Document Relates to:

All Actions

**STIPULATION AND [PROPOSED]
ORDER ESTABLISHING ADDITIONAL
TIME FOR LEAD PLAINTIFFS TO FILE
A CONSOLIDATED COMPLAINT**

1 WHEREAS, counsel for Lead Plaintiffs and counsel for Defendants participated in a
2 mediation of this case before the Hon. Layn R. Phillips of Irell & Manella, LLP, on May 26, 2005,
3 in an attempt to settle these consolidated actions.

4 WHEREAS, Judge Phillips and counsel for the parties are continuing to conduct
5 negotiations regarding a potential settlement.

6 WHEREAS, in order to permit counsel for the parties to continue to focus their efforts on a
7 possible settlement of this litigation, the parties have agreed, subject to Court approval, that the time
8 for Lead Plaintiffs to file a Consolidated Class Action Complaint in these matters should be
9 extended from June 15, 2005 to June 29, 2005.

10 WHEREAS, this stipulation is being made for the purpose of avoiding potentially unnecessary
11 motion practice, seeks to preserve judicial resources and the parties' resources, and, at this early
12 stage of these proceedings, will not have a material effect on the current schedule for these actions.

13 The parties THEREFORE STIPULATE AS FOLLOWS:

14 1. On or before June 29, 2005, Lead Plaintiffs will file a Consolidated Class Action
15 Complaint;

16 2. Defendants shall respond to the Consolidated Class Action Complaint no later than
17 August 29, 2005;

18 3. If one or more Defendants file motions to dismiss in response to the Consolidated
19 Class Action Complaint, Lead Plaintiffs' opposition shall be filed on or before October 13, 2005;

20 4. Defendants' reply briefs in support of any motions to dismiss shall be filed on or
21 before November 14, 2005;

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1 5. If one or more Defendants file motions to dismiss in response to the Consolidated
2 Class Action Complaint, the hearing on any motions shall be set by the Court at the Court's
3 convenience.

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5 Dated: June 10, 2005

Andrew M. Schatz
Jeffrey S. Nobel
Justin S. Kudler
SCHATZ & NOBEL, P.C.

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8 By: /S/ JEFFREY S. NOBEL
Jeffrey S. Nobel
One Corporate Center
20 Church Street, Suite 1700
Hartford, Connecticut 06103
Tel: (860) 493-6292
Fax: (860) 493-6290

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10
11
12 **Lead Counsel for Lead Plaintiffs**

13 Michael D. Braun
14 Marc L. Godino
15 BRAUN LAW GROUP, P.C.
16 12400 Wilshire Blvd., Suite 920
Los Angeles, CA 90025
Tel: (310) 442-7755
Fax: (310) 442-7756

17 **Liaison Counsel for Lead Plaintiffs**

18 Reed R. Kathrein
19 James W. Oliver
20 LERACH COUGHLIN STOIA GELLER
21 RUDMAN & ROBBINS LLP
22 100 Pine Street, Suite 2600
San Francisco, CA 94111
Tel: (415) 288-4545
Fax: (415) 288-4534

23 -and-

24 William S. Lerach
25 LERACH COUGHLIN STOIA GELLER
26 RUDMAN & ROBBINS LLP
27 401 B Street, Suite 1700
San Diego, CA 92101
Tel: (619) 231-1058
Fax: (619) 231-7423

28 **Additional Counsel for Plaintiffs**

1 Dated: June 10, 2005

Sara B. Brody
Howard S. Caro
Michael E. Liftik
HELLER EHRMAN WHITE & McAULIFFE LLP

2
3
4 By: /S/ SARA B. BRODY
333 Bush Street
5 San Francisco, CA 94104
6 Tel: (415) 772-6000
Fax: (415) 772-6268

7 **Defendants' Counsel**

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9 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT:

10 1. On or before June 29, 2005, Lead Plaintiffs will file a Consolidated Class Action

11 Complaint;

12 2. Defendants shall respond to the Consolidated Class Action Complaint no later than
13 August 29, 2005;

14 3. If one or more Defendants file motions to dismiss in response to the Consolidated
15 Class Action Complaint, Lead Plaintiffs' opposition shall be filed on or before October 13, 2005;

16 4. Defendants' reply briefs in support of any motions to dismiss shall be filed on or
17 before November 14, 2005;

18 5. If one or more Defendants file motions to dismiss in response to the Consolidated
19 Class Action Complaint, the hearing on any motions shall be set by the Court at the Court's
20 convenience.

21
22 Dated: 6/14/05

/S/ RONALD M. WHYTE
THE HONORABLE RONALD M. WHYTE
United States District Judge

1 On June 10, 2005, I served the document(s) described as:

2 **STIPULATION AND [PROPOSED] ORDER ESTABLISHING ADDITIONAL TIME FOR**
3 **LEAD PLAINTIFFS TO FILE A CONSOLIDATED COMPLAINT**

4 by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

5 Jules Brody, Esq.
6 Aaron Brody, Esq.
7 Tzivia Brody, Esq.
8 STULL, STULL & BRODY
9 6 East 45th Street
10 New York, NY 10017
11 **Tel.: (212) 687-7230**
12 **Fax: (212) 490-2022**

9 Marc A. Topaz, Esq.
10 Richard A. Maniskas, Esq.
11 Tamara Skvirky, Esq.
12 SCHIFFRIN & BARROWAY
13 Three Bala Plaza East, Suite 400
14 Bala Cynwyd, PA 19004
15 **Tel: (610) 667-7706**
16 **Fax: (610) 667-7056**

13 Stan S. Mallison, Esq.
14 LAW OFFICES OF STAN S. MALLISON
15 1042 Brown Avenue, Suite 1600
16 Lafayette, CA 94549
17 **Tel: (925) 283-3842**
18 **Fax: (925) 283-3826**

17 **Attorneys for Plaintiffs**

18 I served the above document(s) as follows:

19 BY MAIL. I am familiar with the firm's practice of collection and processing correspondence
20 for mailing. Under that practice it would be deposited with U.S. postal service on that same day with
21 postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware
22 that on motion of the party served, service is presumed invalid if postal cancellation date or postage
23 meter date is more than one day after date of deposit for mailing in an affidavit.
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1 I further declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the
2 above-listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the
3 following electronic mail address provided by the Securities Class Action Clearinghouse:

4 **jcarlos@law.stanford.edu**

5 I declare that I am employed in the office of a member of the bar of this Court at whose direction
6 the service was made.

7 Executed on June 10, 2005, at Los Angeles, California 90025.

8 /S/ LEITZA MOLINAR
9 Leitza Molinar
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